



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

DA 07-4908  
Released: December 6, 2007

## PLEADING CYCLE ESTABLISHED FOR TIME WARNER TELECOM INC. PETITION FOR DECLARATORY RULING

WC Docket No. 06-125

**COMMENTS DUE: December 21, 2007**  
**REPLY COMMENTS DUE: January 11, 2008**

By this Public Notice, we seek comment on a petition for declaratory ruling, filed November 21, 2007 by Time Warner Telecom Inc. (TWTC), seeking a declaratory ruling that clarifies AT&T's rights and obligations with regard to the relief AT&T was granted in the Commission's October 12, 2007 order in this proceeding.<sup>1</sup> Specifically, TWTC requests that the Commission clarify that "AT&T must continue to offer its Ethernet and OCn special access services subject to dominant carrier regulation, including the existing tariffing, price freeze, pricing flexibility, and facilities discontinuance requirements applicable today, until the expiration of the AT&T-BellSouth merger conditions."<sup>2</sup> Due to the similarity between the issues raised in the TWTC Petition and in the COMPTTEL petition for declaratory ruling filed November 13, 2007 in this docket, we establish the same comment period for both petitions.<sup>3</sup>

Interested parties may file comments on the COMPTTEL and TWTC petitions for declaratory ruling on or before **December 21, 2007** and reply comments on or before **January 11, 2008** pursuant to sections 1.415 and 1.419 of the Commission's rules.<sup>4</sup> Filings in this proceeding should be captioned "In the Matter of COMPTTEL and TWTC Petitions for Declaratory Ruling" and filed in WC Docket No. 06-125.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two courtesy copies must be delivered to Lynne Hewitt Engledow, Federal Communications Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 5-A361, Washington, DC 20554. One copy must also be sent to Best Copy and Printing, Inc., Portals II, 445 12th

<sup>1</sup> Emergency Petition for a Declaratory Ruling of Time Warner Telecom Inc., WC Docket No. 06-125 (filed Nov. 21, 2007) (TWTC Petition); *see also In the Matters of Petition of AT&T Inc. for Forbearance Under 47 U.S.C. §160(c) from Title II and Computer Inquiry Rules with Respect to Its Broadband Services; Petition of BellSouth Corporation for Forbearance Under 47 U.S.C. § 160 from Title II and Computer Inquiry Rules with Respect to Its Broadband Services*, WC Docket No. 06-125, Memorandum Opinion and Order, FCC 07-180 (rel. Oct. 12, 2007).

<sup>2</sup> TWTC Petition at 4.

<sup>3</sup> *See Pleading Cycle Established for COMPTTEL Petition for Declaratory Ruling*, WC Docket No. 06-125, DA 07-4686, Public Notice (rel. Nov. 20, 2007).

<sup>4</sup> 47 C.F.R. §§ 1.415, 1.419.

Street SW, Suite CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at [fcc@bcpweb.com](mailto:fcc@bcpweb.com).

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
  - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov) and include the following words in the body of the message: get form <your email address>. A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.  
**Parties are strongly encouraged to file comments electronically using the Commission's ECFS.**

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12<sup>th</sup> Street, SW, Washington, DC 20554.

**People with Disabilities:** To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at [fcc@bcpweb.com](mailto:fcc@bcpweb.com).

This Public Notice establishes certain procedural requirements relating to consideration of the TWTC petition for declaratory ruling. This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>5</sup> Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.<sup>6</sup> Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission’s rules.<sup>7</sup>

For further information regarding this proceeding, contact Lynne Hewitt Engledow, Pricing Policy Division, Wireline Competition Bureau, 202-418-1520, or via e-mail at [lynne.engledow@fcc.gov](mailto:lynne.engledow@fcc.gov).

**-FCC-**

---

<sup>5</sup> See 47 C.F.R. §§ 1.1200, 1.1206.

<sup>6</sup> See 47 C.F.R. § 1.1206(b).

<sup>7</sup> 47 C.F.R. § 1.1206(b).